

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
OCTOBER 5, 2010  
7:05 P.M.**

**ROLLCALL** Answering rollcall were Members Bennett, Brindle, Swenson and Mayor Hovland. Absent at rollcall was Member Housh.

**CONSENT AGENDA ITEMS APPROVED** Motion made by Member Bennett and seconded by Member Swenson approving the Council consent agenda with the exceptions of Items IV.D., Resolution No. 2010-95 restricting parking along West 58<sup>th</sup> Street from France to Xerxes; IV.E., Resolution No. 2010-95 revising speed limit on West 58<sup>th</sup> Street from France to Xerxes; and, IV.L., Resolution 2010-97 approving cooperative construction agreement with MNDOT for TH169/I494 interchange project.

Rollcall:

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

**YOUTH EXCHANGE RECOGNITION POSTPONED** Motion made by Member Brindle, seconded by Member Swenson, to postpone consideration of Resolution No. 2010-90, welcoming youth exchange students, to the October 19, 2010, meeting.

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

**2009 WATER FLUORIDATION QUALITY AWARD PRESENTED** Public Works Director/City Engineer Houle presented the Minnesota Department of Health Award the City received recognizing Edina's water fluoridation system that had operated at an optimal level for all twelve months of 2009.

**AMERICA'S PROMISE AWARD PRESENTED** Carolyn Schroeder, 4917 Arden Avenue, president of the Edina Community Foundation, presented the recently awarded America's Promise Award recognizing that Edina was one of America's best 100 communities for young people. Ms. Schroeder recognized Heather Haen Anderson, Executive Director of Edina Connecting With Kids, Julie Rogers Bascom, Service Learning Coordinator for the Edina Public Schools, Arrie Larsen Manti of the Edina Chamber of Commerce, and the students not present who also had helped with Edina's application who had collaborated to make Edina a great community and thanked them for their contribution. Mayor Hovland thanked those involved, and the Council and audience responded with a round of applause.

**\*MINUTES APPROVED – REGULAR MEETING OF SEPTEMBER 21, 2010, AND WORK SESSIONS OF SEPTEMBER 21, 2010, SEPTEMBER 28 2010, AND JOINT MEETING WITH THREE RIVERS PARK DISTRICT OF SEPTEMBER 29, 2010** Motion made by Member Bennett and seconded by Member Swenson approving the minutes of the regular meeting of September 21, 2010, and work sessions of September 21, 2010, September 28, 2010, and joint meeting with Three Rivers Park District of September 29, 2010.

Motion carried on rollcall vote – four ayes.

**PUBLIC HEARING HELD – PERMIT TO KEEP MORE THAN THREE ANIMALS APPROVED**  
Affidavits of Notice presented and ordered placed on file.

Police Chief Long presented the application to keep more than three animals at 6529 McCauley Trail West. He described the unsanitary conditions due to multiple pets found by Solvei Wilmot, Edina Department of Health, during her August 4, 2010, inspection. The applicants, Dr. and Mrs. Juodis included with their application for a pet permit letters of support from two medical doctors and two veterinarians. Chief Long advised that by September 13, 2010, there had been major improvements to the living conditions and cleanliness of the residence. He noted the city had not received any

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animal-related calls for service at the proponent's residence. Chief Long recommended approval of the requested permit subject to continued monitoring by the Animal Control Officer on a scheduled basis. In addition, as pets pass away the proponents shall not replace them to bring the number of pets into compliance with the ordinance.

The Council acknowledged this was an unusual recommendation given the number of pets and initial condition of the property. Chief Long explained that typically staff would have recommended denial; however, in this case the application included letters from the daughter's pediatrician and father's doctor expressing concern that loss of the pets could result in a significant emotional impact. The letters also addressed the medical therapeutic benefits provided by the pets. Chief Long stated due to the medical benefits and concerns, and since there had been no complaints or response to the mailed notice staff determined to recommend approval in this particular case.

The Council asked questions of Chief Long regarding the importance of continued inspection to assure the living conditions do not deteriorate. It was indicated this could be a condition of permit approval and that the City became aware of the situation when asked by Hennepin County Adult Protection Services to inspect the interior of the home.

### Proponent Presentation

Kristin Heebner, attorney with Moss & Barnett, 90 South 7<sup>th</sup> Street, Suite 4800, Minneapolis, representing the proponents, introduced the Dr. Edward and Sandra Juodis and Veterinarian Daniel Shebuski. She stated this was an unusual circumstance given the medical conditions of Dr. Juodis and his daughter Kathryn Metzger. Ms. Heebner stated the Juodis proposed to sign a letter of attrition that agreed pets would not be replaced once deceased until the number of pets in the home complied with Edina's code. She pointed out 13 letters of support had been submitted with no letters submitted in opposition. Ms. Heebner reviewed the circumstances that resulted in inspection of the home and advised that all issues had been remedied including training for the animals. She requested that after hearing testimony from all interested persons, the Council approve the requested permit.

Mayor Hovland opened the public hearing at 7:19 p.m.

### Public Testimony

No one appeared to comment.

**Member Bennett made a motion, seconded by Member Swenson, to close the public hearing.**

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

**Member Swenson made a motion, seconded by Member Bennett, approving the permit application of Edward and Sandra Juodis, 6529 McCauley Trail West, to keep more than three animals conditioned on providing reasonable, scheduled inspection of the premises and that once animals were deceased they were not replaced until the number of pets in the household complied with Edina code.**

The Council noted that it had considered a similar request previously. However, that application contained no documentation of support and had a significant history of complaints from neighbors.

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

## **PUBLIC HEARING HELD – NEW INTOXICATING LIQUOR LICENSE APPROVED – PINSTripES**

Affidavits of Notice presented and ordered placed on file.

City Clerk Mangen presented the request of Pinstripes, Inc. for new on-sale intoxicating and Sunday on-sale liquor licenses at 5849 Gallagher Drive. She advised the application and submittals complied with code requirements, inspections were in compliance, and staff recommended approval. The

Council inquired about the timing for alcohol awareness training. Ms. Mangen explained the terms of licensure and that 75% of the employees had to have completed compliance training within 30 days of opening.

Mayor Hovland opened the public hearing at 7:25 p.m.

**Public Testimony**

No one appeared to comment.

**Member Swenson made a motion, seconded by Member Brindle, to close the public hearing.**

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

**Member Swenson made a motion, seconded by Member Brindle, approving new on-sale intoxicating and Sunday on-sale liquor licenses for Pinstripes, Inc., 5849 Gallagher Drive, for a term beginning October 5, 2010, and ending March 31, 2011.**

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

Dale Schwartz, Pinstripes founder and CEO, stated Pinstripes would offer a sophisticated bowling, bocce, bistro venue. Mr. Schwartz said they were looking forward to being part of the Edina community. He added the grand opening and ribbon cutting would be November 18, 2010.

**PUBLIC HEARING HELD – NEW INTOXICATING LIQUOR LICENSE APPROVED – MOZZA MIA**

Affidavits of Notice presented and ordered placed on file.

Ms. Mangen presented the request of Mozza Mia LCC, dba as Mozza Mia, for new on-sale intoxicating and Sunday on-sale liquor licenses at 3910 West 50<sup>th</sup> Street. She advised the application and submittals complied with code requirements and inspections were in compliance.

Mayor Hovland opened the public hearing at 7:29 p.m.

**Public Testimony**

No one appeared to comment.

**Member Brindle made a motion, seconded by Member Bennett, to close the public hearing.**

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

**Member Brindle made a motion, seconded by Member Bennett, approving new on-sale intoxicating and Sunday on-sale liquor licenses for Mozza Mia, 3910 West 50<sup>th</sup> Street, for a term beginning October 5, 2010 and ending March 31, 2011.**

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

Alan Ackberg, 4200 Forest Road, St. Louis Park, stated this would be their third restaurant, and they were thrilled to continue to grow in Edina. He thanked staff for their assistance, reviewed their pizzeria menu selections, and indicated they would open on November 22, 2010.

**SPECIAL ASSESSMENT POLICY PRESENTED** Mr. Houle presented the City's assessment policy that was adopted on September 7, 2010, and would apply to each project being considered tonight. Payback options were to pay the entire balance, partially pay prior to certification, make no payment so the amount would be certified to the County for collection, or apply for assessment deferral. He displayed an example of the invoice that was sent to property owners.

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### **PUBLIC HEARINGS HELD – IMPROVEMENT NOS. A-213, L-43, A-214, AND L-49** Affidavits of Notice presented and ordered placed on file.

Mr. Houle described the project boundaries and improvements made with the Edina Country Club neighborhood reconstruction, Improvement Nos. A-213, L-43, A-214 and L-49. He advised that the project costs for Nos. A-213 and A-214 equaled \$15,796,000, and the City's portion was \$8,208,900. Assessments costs for Nos. A-213 and L-43 were \$11,466.98 per residential equivalent unit (REU) compared to the estimated assessment of \$11,810 REU. The sanitary sewer services assessment would be \$4,705.15. Assessments costs for Nos. A-214 and L-49 were \$15,370.74 REU compared to the estimated assessment of \$16,900 REU. The sanitary sewer services assessment would be \$5,018.96. Mr. Houle displayed a map depicting the two Edina Country Club assessment districts. The assessment term was for ten years at an interest rate of 5.75%. He referenced communication received from residents and recommended approval of the two final assessment rolls.

The Council discussed the potential to extend the assessment period beyond ten years. Finance Director Wallin advised the bonds received in 2008 for the Country Club projects were ten-year bonds. The bonds would be paid from assessment receipts so the special assessment terms should coincide with the bonds' term to lessen the possibility of a deficit fund balance. He added the interest rate was set at 2% over the true interest bond rate of 3.75% because State Statute required the City levy 105% of the debt requirement in both principle and interest. Mr. Wallin explained that the call provision for the bonds was six to seven years, so prepayments had to be financed and costs covered for bond issuance and servicing.

Mayor Hovland opened the public hearing at 7:53 p.m.

#### **Public Testimony**

Larry Cheng, 4505 Bruce Avenue, addressed the Council.

David Pearson, 4513 Browndale Avenue, addressed the Council.

Carolyn Schroeder, 4917 Arden Avenue, addressed the Council.

Joyce Mellom, 4506 Arden Avenue, addressed the Council.

Keith Wolf, 4600 Wooddale Avenue, addressed the Council.

Justin Cole, 4503 Bruce Avenue, addressed the Council.

Ralph Tully, 4619 Bruce Avenue, addressed the Council.

#### **Member Swenson made a motion, seconded by Member Bennett, to close the public hearing.**

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

The Council discussed the issues raised during public testimony and asked questions of staff. Mr. Houle stated it was correct that ponding occurred in some sidewalk areas; however, the intent was not to replace all sidewalks, only correct trip hazards. Areas of cracked concrete curbing would be replaced by the contractor prior to expiration of the one-year warranty period. Residents were asked to contact staff if they would like an area inspected to determine if it met the criteria for warranty repair.

The Council discussed whether additional inspection should be conducted during winter weather to determine if icing conditions warranted a correction. Mr. Houle indicated that winter inspections could be made but the question was how to fund corrections since it was not a budgeted item and could not be assessed at that time. He noted that individual property owners were responsible to maintain and

shovel sidewalks in front of their property and that would include correction of settlement. City Attorney Knutson concurred it was the property owner's responsibility to maintain the sidewalks and advised that the City would not be liable under Chapter 466.

Chad Millner, Short Elliot Henderson, Inc., advised that in some instances the sidewalk panels were raised and replaced at the same height as existed. If determined to be a one-half inch trip hazard, that panel was replaced and blended with the abutting panels. If the sidewalk panel was cracked, it was replaced. Mr. Houle estimated the cost to replace all sidewalks in the project would have increased costs by \$1,000 to \$1,500 per home. The Council noted that a Sidewalk Utility would provide a means to finance this type of sidewalk repair and may warrant future consideration.

With regard to the number of bicycle-related signs from 44<sup>th</sup> to 50<sup>th</sup> Streets, Mr. Houle displayed a picture of the signage and explained the signs were installed in accordance with the Bike Manual; however, the number could be scaled down. The Council agreed to ask the Bike Edina Task Force for its recommendation on reduced signage placement.

Following discussion, the Council asked staff to work proactively with residents to inform them of the process to contact the City's insurance provider if they believed their home was damaged as a result of the project, options to level sidewalk panels, and for the City Arborist to speak with residents who were concerned about their trees.

Mr. Wallin clarified that the City's purpose was not to make money on the 2% charged over the bond's true interest rate, but to avoid a situation of negative arbitrage due to prepayments, bond costs, and under payments. He noted that the bonds for this project were sold in the market two years ago. Interim Manager Worthington stated another option was for the resident to finance on the open market at a more advantageous interest rate and prepay the assessment.

The Council asked staff to inspect the crosswalk brick during the warranty period. Mr. Houle described the methods used with different plowing blades to reduce damage to curbs and pavers. He asked residents to inform staff about areas where crosswalk brick was broken.

**Member Swenson introduced and moved adoption of Resolution No. 2010-81, levying special assessments for Country Club Neighborhood Reconstruction Public Improvements A-213 and L-43.** Member Brindle seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

**Member Bennett introduced and moved adoption of Resolution No. 2010-93, levying special assessments for Country Club Neighborhood Reconstruction Public Improvements A-214 and L-49.** Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

**PUBLIC HEARING HELD – RESOLUTION NO. 2010-82 ADOPTED – MIRROR LAKES NEIGHBORHOOD RECONSTRUCTION – IMPROVEMENT NO. BA-356** Affidavits of Notice presented and ordered placed on file.

Mr. Houle described the improvements made with the Mirror Lakes neighborhood reconstruction, Improvement No. BA-356. He advised that the project costs equaled \$765,849.14, and the City's portion was \$376,153.84. Assessments costs were \$6,088.99 per REU compared to the estimated assessment of \$9,375.16 per REU, or a 35.5% reduction due to the competitive bidding environment. He displayed a map identifying the assessment area and stated this assessment would be for a term of ten years at 5.75% interest. Mr. Houle recommended approval of the final assessment roll.

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Mayor Hovland opened the public hearing at 8:37 p.m.

### **Public Testimony**

No one appeared to comment.

**Member Brindle made a motion, seconded by Member Bennett, to close the public hearing.**

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

Assistant City Engineer Sullivan advised this project was finalized in September, and staff was not aware of outstanding issues, and residents had been informed that the one-year warranty period was close to expiring. **Member Swenson introduced and moved adoption of Resolution No. 2010-82, levying special assessments for public improvements.** Member Brindle seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

**PUBLIC HEARING HELD – RESOLUTION NO. 2010-83 ADOPTED – ST. JOHN’S PARK NEIGHBORHOOD RECONSTRUCTION – IMPROVEMENT NO. BA-357** Affidavits of Notice presented and ordered placed on file.

Mr. Houle described the project boundaries and improvements made with the St. John’s Park neighborhood reconstruction, Improvement No. BA-357. He advised that the project costs equaled \$1,944,654.69 and the City’s portion was \$839,135.48. Assessments costs were \$6,477.53 per REU compared to the estimated assessment of \$9,300.00 per REU, or a 30.35% reduction. He displayed a map identifying the assessment area and REU rates to be assessed. He stated this assessment would be for a term of ten years at 5.75% interest and recommended approval of the final assessment roll. The Council asked whether there were outstanding issues. Mr. Houle stated two letters had been received objecting to the cost of the assessments.

Mayor Hovland opened the public hearing at 8:42 p.m.

### **Public Testimony**

No one appeared to comment.

**Member Brindle made a motion, seconded by Member Bennett, to close the public hearing.**

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

**Member Brindle introduced and moved adoption of Resolution No. 2010-83, levying special assessments for public improvements.** Member Swenson seconded the motion.

The Council noted one letter of objection was due to a financial hardship. Mr. Houle reviewed available payment options and suggested the resident be referred to the Edina’s Resource Center.

Rollcall:

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

**PUBLIC HEARING HELD – RESOLUTION NO. 2010-84 ADOPTED – SOUTH GARDEN ESTATES NEIGHBORHOOD RECONSTRUCTION – IMPROVEMENT NO. BA-358** Affidavits of Notice presented and ordered placed on file.

Mr. Houle described the project boundaries and improvements made with the South Garden Estates neighborhood reconstruction, Improvement No. BA-358. He advised that the project costs equaled

\$495,247.48 and the City's portion was \$309,088.27. Assessments costs were \$5,423.80 per REU compared to the estimated assessment of \$8,931.15 per REU, or a 39.27% reduction. He displayed a map identifying the assessment area and REU rates to be assessed. Mr. Houle identified a location where water flowed on the pavement and explained that instead of extending a costly stormwater pipe, it would be scheduled for more frequent street sweeping. He stated this assessment would be for a term of ten years at 5.75% interest and recommended approval of the final assessment roll. The Council asked if there were any outstanding issues with this project. Mr. Houle explained how residents could report a problem and advised that some areas of cracked concrete curb had been identified and would be monitored.

Mayor Hovland opened the public hearing at 8:49 p.m.

**Public Testimony**

Ronald Rich, 7008 West Shore Drive, addressed the Council.

Ms. Worthington explained when the City borrowed money it was anticipated that a certain number of the assessments would be prepaid. Ms. Worthington said the difficulty with estimating how many residents will prepay and the City's cost of borrowing was a part of the misunderstanding. She explained that statute required the City to charge a higher interest rate than borrowed at to cover that gap.

**Member Swenson made a motion, seconded by Member Brindle, to close the public hearing.**

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

The Council discussed the issue raised regarding the warranty period and whether it could be extended, especially for concrete work. Mr. Houle explained that a two-year warranty would increase the project cost but it was being considered due to concrete issues that occur after a freeze/thaw cycle. **Member Swenson introduced and moved adoption of Resolution No. 2010-84, levying special assessments for public improvements.** Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

**\*CHANGE ORDER EDINA PUBLIC WORKS BUILDING – IMPROVEMENT PW-1, CONTRACT NO. 4C: SITE CONCRETE** Motion made by Member Bennett and seconded by Member Swenson approving change order for Edina Public Works Building, Improvement PW-1, Contract No. 4C, site concrete to North Country Concrete.

Motion carried on rollcall vote – four ayes.

**ORDINANCE NO. 2010-15 ADOPTED – AMENDING SECTION 900 EDINA LIQUOR CODE** Chief Long commented on the need to clarify the criteria to approve an event manager, officer training, and assumption of liability. Ms. Worthington concurred that the Police Chief should not have to evaluate the credentials of the person designated as manager, and the liability of that position should rest with the applicant, not the City.

Following discussion of the ordinance language, Council consensus was reached to make the following revisions to indicate: Section 900.09, Section 3, Subd. 6, Temporary Licenses: "In addition to the requirements of Subd. 1 of this Subsection, no more than two such licenses shall be issued to the same organization or corporation for any one location with at least 30 days between issue dates. Each license shall be issued for not more than two consecutive days." Section 900.13, Section 4, Subd. 3, Manager: "The premises shall be under the direct supervision of a manager designated by the applicant in the application." Section 900.13, Section 4, Subd. 4: "That applicant shall provide, at the applicant's expense, policing of the licensed premises either by off-duty Edina City police officers or a security company approved by the Police Department."

**Member Brindle made a motion, seconded by Member Swenson, to waive Second Reading adopting Ordinance No. 2010-15, amending the Edina City code concerning liquor, as revised.**

Rollcall:

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

**NINE MILE CREEK REGIONAL TRAIL DISCUSSION** Park and Recreation Director Keprios asked the Council to determine a process for consideration of the Nine Mile Creek regional trail and whether a single public hearing should be scheduled for a future Council meeting. He advised that the Park Board would consider the matter at its October 12, 2010, meeting and informally accept testimony of the public. Attorney Knutson advised that the Council had discretion to direct the Park Board whether or not to receive public comment. The Council determined to allow this discretion to the Park Board Chair. The Council cautioned that if comment was taken, each speaker should be deemed to speak only for him or her self. It was suggested that representatives of Three Rivers Park District, Nine Mile Creek Watershed District, and Bonestroo also be in attendance.

The Council also discussed available dates to set a single public hearing that allowed the Park Board the ability to hold a second meeting to draft its recommendation. **Member Swenson made a motion, seconded by Member Brindle, setting a public hearing on December 7, 2010, on the proposed Nine Mile Creek Regional Trail.**

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

The Council discussed whether a recommendation should be requested from the Edina Transportation Commission (ETC) since one segment was a roadside route. Mr. Keprios stated he would ask the Park Board to indicate whether it would benefit from an ETC recommendation.

**\*RESOLUTION NO. 2010-86 ADOPTED – AUTHORIZING SAFE & SOBER GRANT AGREEMENT**  
**Motion made by Member Bennett and seconded by Member Swenson to adopt Resolution No. 2010-86, authorizing execution of Safe and Sober Grant Agreement.**

Motion carried on rollcall vote – four ayes.

**RESOLUTION NOS. 2010-94 AND 2010-95 ADOPTED – RESTRICTING PARKING AND REVISING SPEED LIMIT ALONG WEST 58<sup>TH</sup> STREET FROM FRANCE TO XERXES** The Council discussed the challenges of configuring parking restrictions and on-street bike lanes and considered whether a “walkable zone” with lowered speed limits, should be created around this and other parks to assure pedestrian and bicycle safety. It was indicated that high “walkability” scores for residential properties also increased value. Mr. Houle reviewed the widths of bike trails that shared roadways and explained the intent was to lower speed in areas of on-street bike lanes on this MSA roadway.

The Council considered whether action should be postponed to allow time to research creating a “walkable zone” or if these actions should be taken so it could be determined whether they were effective. Members Bennett and Brindle requested that a joint work session with staff and the ETC should be held to discuss the option of a “walkable zone” to increase pedestrian and bicycle safety. **Member Swenson introduced and moved adoption of Resolution No. 2010-94, relating to parking restrictions on West 58<sup>th</sup> Street from France Avenue to Xerxes Avenue and No. 2010-95, reducing the speed limit on West 58<sup>th</sup> Street between France Avenue and Xerxes Avenue.** Member Bennett seconded the motion.

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

**\*HEARING DATE SET (OCTOBER 19, 2010) PLANNING ITEMS** Motion made by Member Bennett and seconded by Member Swenson setting public hearing date of October 19, 2010,



for 1. Final Development Plan, Velmeir Companies, CVS Pharmacy, 6905 York Avenue; and, 2. Preliminary Development Plan and Preliminary Rezoning, YMCA, 7355 York Avenue.

Motion carried on rollcall vote – four ayes.

**\*RESOLUTION NO. 2010-89 ADOPTED – APPOINTING ELECTION JUDGES FOR GENERAL ELECTION** Motion made by Member Bennett and seconded by Member Swenson to adopt Resolution No. 2010-89, appointing general election judges for the November 2, 2010, general election.

Motion carried on rollcall vote – four ayes.

**\*RESOLUTION NO. 2010-92 ADOPTED – AUTHORIZING FACSIMILE SIGNATURES** Motion made by Member Bennett and seconded by Member Swenson to adopt Resolution No. 2010-92, authorizing use of facsimile signatures by public officials.

Motion carried on rollcall vote – four ayes.

**\*RESOLUTION NO. 2010-91 ADOPTED – SETTING INTERIM CITY MANAGER SALARY** Motion made by Member Bennett and seconded by Member Swenson to adopt Resolution No. 2010-91, establishing the salary for Interim City Manager.

Motion carried on rollcall vote – four ayes.

**RESOLUTION NO. 2010-85 ADOPTED – ACCEPTING VARIOUS DONATIONS** Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations. **Member Bennett introduced and moved adoption of Resolution No. 2010-85 accepting various donations.** Member Brindle seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

**\*RESOLUTION NO. 2010-96 ADOPTED – APPROVING MASTER UTILITY AGREEMENT WITH MNDOT FOR TH169/I494 INTERCHANGE PROJECT** Motion made by Member Bennett and seconded by Member Swenson to adopt Resolution No. 2010-96, approving master utility agreement with Mn/DOT for TH169/I494 interchange project S.P. 2776-03.

Motion carried on rollcall vote – four ayes.

**RESOLUTION NO. 2010-97 ADOPTED – APPROVING COOPERATIVE CONSTRUCTION AGREEMENT WITH MN/DOT FOR TH169/I494 INTERCHANGE PROJECT** Mr. Houle presented the revised cooperative construction agreement with Mn/DOT for the TH169 and I494 interchange project and noted the revisions made by legal counsel to assure Mn/DOT project change orders would not impact the City's contribution and to reflect that improvements to Valley View Road would be considered by Mn/DOT in the future. **Member Brindle introduced and moved adoption of Resolution No. 2010-97, approving cooperative construction agreement with Mn/DOT for TH169/I494 interchange project S.P. 2776-03.** Member Swenson seconded the motion.

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

Scott Peterson, Mn/DOT Area Engineer, advised that the best value bid was submitted by McCrossan & Kramer at \$125 million. He reviewed the anticipated time table and process that would be used. Mr. Houle stated that Cemstone requested to create a batch plant south of the public safety training facility so staff may be able to negotiate positive tradeoffs for this two to three year lease.

**\*AMENDMENT TO FINAL PLAN APPROVED – INTERLACHEN MAINTENANCE FACILITY** Motion made by Member Bennett and seconded by Member Swenson approving an amendment to the final plan, Interlachen Maintenance Facility.

Motion carried on rollcall vote – four ayes.

**COMMUNITY COMMENT**

No one appeared to comment.

**\*CONFIRMATION OF CLAIMS PAID** Motion made by Member Bennett and seconded by Member Swenson approving payment of the following claims as shown in detail on the Check Register dated September 23, 2010, and consisting of 35 pages: General Fund \$481,324.70; Communications Fund \$4,596.31; Police Special Revenue \$2,882.63; Working Capital Fund \$950,489.09; Equipment Replacement Fund \$77,118.34; Art Center Fund \$3,265.67; Golf Dome Fund \$1,226.22; Aquatic Center Fund \$5,727.17; Golf Course Fund \$96,244.63; Ice Arena Fund \$12,853.22; Edinborough/Centennial Lakes Fund \$45,615.40; Liquor Fund \$198,336.57; Utility Fund \$187,170.15; Storm Sewer Fund \$269,615.23; PSTF Agency Fund \$3,248.59; Payroll Fund \$4,997.74; **TOTAL \$2,344,711.66** and for approval of payment of claims dated September 30, 2010, and consisting of 30 pages: General Fund \$56,540.02; Communications Fund \$5,141.10; Police Special Revenue \$614.96; Working Capital Fund \$72,680.41; Equipment Replacement Fund \$20,231.73; Art Center Fund \$14,888.34; Aquatic Center Fund \$2,231.03; Golf Course Fund \$19,911.92; Ice Arena Fund \$749.15; Edinborough/Centennial Lakes Fund \$26,662.62; Liquor Fund \$164,612.78; Utility Fund \$64,523.34; Storm Sewer Fund \$100,893.74; Recycling Fund \$32.57; PSTF Agency Fund \$12,423.58; **TOTAL \$562,137.29**.

Motion carried on rollcall vote – four ayes.

**INTERIM MANAGER WORTHINGTON ACKNOWLEDGED** The Council acknowledged Interim Manager Worthington's last meeting, extended its appreciation, and wished her the best in her new position with Ramsey County. Those present responded with a round of applause. Ms. Worthington indicated it had been an honor to serve Edina and that it had a wonderful staff.

**STUDY SESSION CANCELLED** Council consensus was reached to cancel the October 26, 2010, study session.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:20 p.m.

Respectfully submitted,

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Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, October 19, 2010.

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James B. Hovland, Mayor

Video Copy of the October 5, 2010, meeting available.